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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 March 2008</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-15</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to Applicant's amendment filed on 03-27-2008. Only

the **Independent claim 14 has been amended** by the applicants. None of the claims

has been cancelled, and no claim has been added. **Claims 1-15 are pending** in the

present application. The applicants' amendments to claims are shown in ***bold and***

italics and the examiner's response to those amendments is shown in **bold** in this

office action. **This Action is made FINAL**.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Independent **claim 15** is rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Claim 15 specifies a signal bearing medium embodying a program of machine-

readable instructions. The signal bearing medium is further disclosed to include

transmission media such as digital and analog communication links and wireless (in

paragraph 0138). Transmission media such as digital and analog communication links

and wireless signals are non-statutory subject matter. This subject matter is not limited

to that which falls within a statutory category of invention because it is not limited to a

process, machine, manufacture, or a composition of matter. Instead, it includes a form

of energy. Energy does not fall within a statutory category since it is clearly not a series

of steps or acts to constitute a process, not a mechanical device or combination of

mechanical devices to constitute a machine, not a tangible physical article or object

which is some form of matter to be a product and constitute a manufacture, and not a

composition of two or more substances to constitute a composition of matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by **Kamata et al. (US Patent Publication # 5,953,050).**

Consider **claim 14**, Kamata et al. show and disclose a service comprising at

least one of:

conducting an online meeting in which any or all nodes participating in said online

meeting receives a composite image of said online meeting that is potentially

customized for each said node*, wherein at least one of a size and a layout of*

subpanes of the composite image are controlled by user-specified rules (Abstract

and column 1, lines 21-27 which disclose that the claimed service provides support for

conducting an online meeting in which the system allows each participant to watch other

participants he or she wants to watch in a desired array of a composite image (example

shown in Fig. 2A), thereby disclosing potential customization for each node; **Fig. 2A**

which show the display area divided into 3x3 panes to accommodate nine

different participants in a video conference, with pane 6 (speaker's location)

being displayed larger than the other participants, whereas in Fig. 2B, a matrix of

2x2 panes of larger size is displayed, with the speaker at location 4 sharing the

same pane size as the other participants, and Fig. 8 in which the speaker is

prominently displayed by occupying 75% of the size, whereas the remaining

seven participants are 25% of the size each; Figs. 22A-22B further show

corresponding controls for a layout of the subpanes instead of their sizes;

column 4, lines 9-10 which disclose that the invention allows a composite image

created as specified by each receiving terminal to be sent to it; column 6, lines

19-32 further disclose an image selection and combination unit 24 (shown in Fig.

5) is responsive to a signal for specifying how images are to be combined from a

terminal that is to receive a composite image, i.e. an <u>instruction</u> to combine

images in an arrangement that the <u>user</u> at the terminal desires, to select an

output of the first image reduction and storage unit 21 and outputs of one or

more second image reduction and storage units 22 pixel by pixel, thereby

disclosing that at least one of a size and a layout of subpanes of the composite

image are controlled by user-specified rules);

operating one of said nodes in said online meeting in which said customized composite

images are possible (Abstract and column 1, lines 13-35 that further disclose image

reduction means for the speaker and non-speaker terminals, image storage and image

readout control units that display a plurality of reduced images on one display screen,

and an image selecting and combining unit for generating a customized composite

image and outputting it to receiving terminals);

calculating a composite image in said online meeting (Abstract that discloses a video

conferencing system that generates a composite image of the conference participants

and displays the image on the receiving terminals, customized to each participant's

specification (layout based rules); Figs. 3 and 7 that show different components of the

system for image reduction, composite image creation, and image display units, etc.;

column 1, lines 56-65 disclose multiple CODECs being used to calculate sizes for

different image components of the composite image; Fig. 8 that shows a sample

composite image for a select participant's specifications; column 1, lines 21-35 disclose

an example of customization of the composite image based on participant # 6 being the

speaker; column 2, lines 31-41 disclose some additional rules used during creation of

the composite image).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
art are such that the subject matter as a whole would have been obvious at the time the invention was

made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall
not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
      obviousness
      or nonobviousness.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 1, 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Van Dok et al. (US Patent Application Publication # 2004/0162877 A1)** in view

of **Digate et al. (US Patent Application Publication # 2004/0161090 A1).**

Consider **claim 1**, Van Dok et al. show and disclose a method of providing a

composite data feed for an online meeting (Abstract that discloses a real-time online

communications such as instant messaging with enhancements that provide composite

data feed; Fig. 2B shows such a composite display 222 (After) between two users;

paragraphs 0044-0048 describe the details of the method), said method comprising at

least one of:

providing a capability for at least one participant node in said online meeting to input a

layout rule for a customized composite image of said online meeting to be seen

specifically at said at least one participant node (Figs 2B and 5A that show a capability

provided at one participant (Bryan) to display the incoming messages from another

participant (Kurt) in bold font and his own messages in indented italic font; Fig. 5A that

additionally shows an extensible emoticon (☺) replacing a textual representation in the

incoming message on Bryan's display, thereby disclosing a customized composite

image of the online meeting; paragraph 0048, lines 13-18 which disclose that either

default formatting or user's personally selected representative formatting may be used

for the customized composite image displayed, thereby disclosing the use of a layout

rule for at least one participant node).

However, Van Dok et al. do not specifically disclose receiving a layout rule

defining a composite image of said online meeting that can be customized for at least

one participant node in said online meeting.

In the same field of endeavor, Digate et al. disclose the claimed method,

including receiving a layout rule defining a composite image of said online meeting that

can be customized for at least one participant node in said online meeting (Abstract that

discloses a rules-based real-time messaging system that includes a rules engine, which

receives a layout rule for controlling the delivery of messages to users; Figs. 2, 7 and 9

show the relevant details of the disclosed method; paragraph 0040 which discloses that

the persistent database 15 (shown in Fig. 2) includes configuration data (interpreted to

correspond to layout rules reflecting user preferences and group definitions) related to

the delivery of messages to the participants; paragraphs 0062-0063 and 0102 disclose

the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to receive a layout rule defining a composite image of

said online meeting that can be customized for at least one participant node in said

online meeting, as taught by Digate et al., in the method of Van Dok et al., so that the

composite image of an online meeting can be presented to the participants based on

the layout rules customized to each participant's preferences and configuration.

Consider **claim 2,** and **as it applies to claim 1 above**, Van Dok et al., as

modified by Digate et al., further disclose the claimed method, wherein said layout rule

comprises a Boolean combination of conditions (in Digate et al. reference, Table of Fig.

9, disclosing a meeting being scheduled when a participant is online and the video is

available, thereby disclosing a Boolean combination of conditions for a layout rule;

paragraph 0062 and 0063 disclose additional details).

Consider **claim 15**, Van Dok et al. show and disclose a computer program

product embodying a program of machine-readable instructions executable by a digital

processing apparatus to perform a method of providing a composite data feed for an

online meeting (claims 24-28; paragraph 0068 that discloses the details of the disclosed

computer program product; Abstract that discloses a real-time online communications

such as instant messaging with enhancements that provide composite data feed; Fig.

2B shows such a composite display 222 (After) between two users; paragraphs 0044-

0048 describe the details of the method), said method comprising at least one of:

providing a capability for at least one participant node in said online meeting to input a

layout rule for a customized composite image of said online meeting to be seen

specifically at said at least one participant node (Figs 2B and 5A that show a capability

provided at one participant (Bryan) to display the incoming messages from another

participant (Kurt) in bold font and his own messages in indented italic font; Fig. 5A that

additionally shows an extensible emoticon (☺) replacing a textual representation in the

incoming message on Bryan's display, thereby disclosing a customized composite

image of the online meeting; paragraph 0048, lines 13-18 which disclose that either

default formatting or user's personally selected representative formatting may be used

for the customized composite image displayed, thereby disclosing the use of a layout

rule for at least one participant node).

However, Van Dok et al. do not specifically disclose receiving a layout rule

defining a composite image of said online meeting that can be customized for at least

one participant node in said online meeting.

In the same field of endeavor, Digate et al. disclose the claimed computer

program product, including receiving a layout rule defining a composite image of said

online meeting that can be customized for at least one participant node in said online

meeting (claims 22-23; abstract that discloses a rules-based real-time messaging

system that includes a rules engine, which receives a layout rule for controlling the

delivery of messages to users; Figs. 2, 7 and 9 show the relevant details of the

disclosed method; paragraph 0040 which discloses that the persistent database 15

(shown in Fig. 2) includes configuration data (interpreted to correspond to layout rules

reflecting user preferences and group definitions) related to the delivery of messages to

the participants; paragraphs 0062-0063 and 0102 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to receive a layout rule defining a composite image of

said online meeting that can be customized for at least one participant node in said

online meeting, as taught by Digate et al., in the computer program product of Van Dok

et al., so that the composite image of an online meeting can be presented to the

participants based on the layout rules customized to each participant's preferences and

configuration.

Claims 3-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Van Dok et al. (US Patent Application Publication # 2004/0162877 A1)** in view

of **Digate et al. (US Patent Application Publication # 2004/0161090 A1)** and further

in view of **Kamata et al. (US Patent Publication # 5,953,050).**

Consider **claim 3,** and **as it applies to claim 1 above**, Van Dok et al., as

modified by Digate et al., disclose the claimed method, further comprising:

receiving data feeds from a plurality of nodes included in said online meeting (in Van

Dok et al. reference, Fig. 2B showing composite image display of Bryan's (After) display

showing data feeds received from both Bryan's and Kurt's nodes).

However, Van Dok et al., as modified by Digate et al., do not specifically

disclose calculating a composite data feed image for said at least one participant node,

said composite data feed image complying with said layout rule.

In the same field of endeavor, Kamata et al. disclose the claimed method,

including calculating a composite data feed image for said at least one participant node,

said composite data feed image complying with said layout rule (Abstract that discloses

a video conferencing system that generates a composite image of the conference

participants and displays the image on the receiving terminals, customized to each

participant's specification (layout based rules); Figs. 3 and 7 that show different

components of the system for image reduction, composite image creation, and image

display units, etc.; column 1, lines 56-65 disclose multiple CODECs being used to

calculate sizes for different image components of the composite image; Fig. 8 that

shows a sample composite image for a select participant's specifications; column 1,

lines 21-35 disclose an example of customization of the composite image based on

participant # 6 being the speaker; column 2, lines 31-41 disclose some additional rules

used during creation of the composite image).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to calculate a composite data feed image for said at least one participant node, said composite data feed image complying with said layout rule, as taught by Kamata et al., in the method of Van Dok et al., as modified by Digate et al., so that the composite image of an online meeting can be presented to the participants based on the layout rules customized to each participant's preferences and configuration.

Consider **claim 4,** and **as it applies to claim 1 above**, Van Dok et al., as modified by Digate et al. and Kamata et al., further disclose the claimed method, wherein said layout rule specifies at least one of:

a size of a display pane in said composite image of a given feed involved in said online meeting (in Van Dok et al. reference, Fig. 6A After blocks 604 that shows a dynamically sized pane to contain the text of an entire message, so that the user need not scroll in order to view the entire message; paragraph 0062 provides additional details);

a relative size of said display pane of said given feed (in Kamata et al. reference, Fig. 8 that shows relative sizes of different panes for various image feeds);

a position of said display pane of said given feed (in Kamata et al. reference, Fig. 9 that shows X and Y-Coordinates being determined from Hsync (horizontal) and Vsync (vertical) signals of video data of a display pane for a given feed; column 10, lines 14-46 disclose the process in more details);

a status of an owner of said given feed (in Digate et al. reference, paragraph 0012, lines

1-3 which disclose a rules-based real-time messaging system in which an availability

status of users is maintained for each user); and

a type of said given feed (in Van Dok et al. reference, column 2, lines 38-41 which

disclose that each terminal is allowed to select an image from a terminal other than the

speaking end).

Consider **claim 5,** and **as it applies to claim 3 above**, Van Dok et al., as

modified by Digate et al. and Kamata et al., disclose the claimed method, further

comprising transmitting said composite data feed image for display on a display device

(in Kamata et al. reference, column 3, lines 62-67 which disclose that a composite

image containing plurality of reduced images of the participants' environment is

displayed on a single display screen of a participant).

Consider **claim 6,** and **as it applies to claim 3 above**, Van Dok et al., as

modified by Digate et al. and Kamata et al., further disclose the claimed method,

wherein said calculating is accomplished at a server remote from said at least one

participant node (in Digate et al. reference, Fig. 1 that shows the Communication Server

18, the Messaging Server 14, and the Database Server 15 separated from the

Messaging Clients by Network 20; in Kamata et al. reference, Fig. 1 that shows a Multi-

Location Video Conferencing Control Unit 3 and a Multi-Image Combiner 4 performing

calculations for composite image, are remotely located (by ISDN Network 2) from the

participating Video Conferencing Terminals; column 1, lines 21-27 disclose the same details).

Consider **claim 7,** and **as it applies to claim 3 above**, Van Dok et al., as modified by Digate et al. and Kamata et al., further disclose the claimed method, wherein said calculating is accomplished at one of said at least one participant node's location (in Kamata et al. reference, Fig. 4 that shows an MCU 3 associated with a Broadcasting Terminal A, performing calculations for image generation/transmission to terminals B and C; column 2, lines 31-38 disclose the same details); and

a level of video activity, including at least one of an amount of overall movement and a number of moving figures.

Consider **claim 9,** and **as it applies to claim 3 above**, Van Dok et al., as modified by Digate et al. and Kamata et al., further disclose the claimed method, wherein said calculating the data feed includes at least one of:

an amount of audio activity, including a number of different speakers (in Kamata et al. reference, column 2, lines 31-38 which disclose that in order to determine which participant is currently acting as a speaker, MCU3 (in Fig. 4) may detect the level of a voice signal from each terminal to thereby determine the terminal having the maximum voice level, thereby corresponding to the speaker); and

a level of video activity, including at least one of an amount of overall movement and a number of moving figures.

Consider **claim 10,** and **as it applies to claim 3 above**, Van Dok et al., as

modified by Digate et al. and Kamata et al., disclose the claimed method, said method

further having at least one of the following capabilities:

said receiving of data feeds is from one or more distinct network types;

at least one node in said online meeting can serve as a data feed source (in Kamata et

al. reference, column 2, lines 38-41 which disclose that each terminal is allowed to

select an image from a terminal other than the speaking end, thereby disclosing that at

least one node in said online meeting can serve as a data feed source).

Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Van Dok et al. (US Patent Application Publication # 2004/0162877 A1)** in view

of **Digate et al. (US Patent Application Publication # 2004/0161090 A1)** and further

in view of **Moran et al. (US Patent Publication 6,018,346).**

Consider **claim 8,** and **as it applies to claim 1 above**, Van Dok et al., as

modified by Digate et al., further disclose the claimed method, wherein said receiving

said layout rule is periodically checked so that said at least one participant node is able

to revise said layout rule until one of:

said at least one participant node exits said online meeting (in Digate et al. reference,

Table of Fig. 9, showing an example of the logical structure of rules that control the

operation of the rules engine; paragraph 0062, lines 18-28 which disclose events such

as the presence of various participants being monitored to indicate any changes in the presence, and making corresponding changes in the composite images being presented, thereby disclosing that the layout rule may be periodically checked for any revisions until at least one participant node exits said online meeting).

However, Van Dok et al., as modified by Digate et al., do not specifically disclose that said at least one participant node is able to revise said layout rule until said at least one participant node exits said online meeting.

In the same field of endeavor, Moran et al. disclose the claimed method, wherein said at least one participant node is able to revise said layout rule until said at least one participant node exits said online meeting (column 2, lines 27-45 which disclose a domain object class that defines attributes, a set of action rules and layouts, the attributes defining the data associated with the meeting domain object and the underlying attribute values capable of changes, based on user actions (e.g. via a gesture) performed on an icon representing an instance of the meeting domain object, or upon the occurrence of a system event (such as the presence of a participant), thereby disclosing that said at least one participant node is able to revise said layout rule until said at least one participant node exits said online meeting).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow said at least one participant node to revise said layout rule until said at least one participant node exits said online meeting, as taught by Moran et al., in the method of Van Dok et al., as modified by Digate et al., so

as to provided added flexibility in presenting the composite image to the online meeting

participants, based on the specific environment of the meeting.

Consider **claim 11**, Van Dok et al. show and disclose a method of providing a

composite data feed for an online meeting that can be seen uniquely at a participant

node(Abstract that discloses a real-time online communications such as instant

messaging with enhancements that provide composite data feed; Fig. 2B shows such a

composite display 222 (After) between two users; paragraphs 0044-0048 describe the

details of the method; Figs 2B and 5A that show a capability provided at one participant

(Bryan) to display the incoming messages from another participant (Kurt) in bold font

and his own messages in indented italic font; Fig. 5A that additionally shows an

extensible emoticon (☺) replacing a textual representation in the incoming message on

Bryan's display, thereby disclosing a customized composite image of the online meeting

at Bryan's display; paragraph 0048, lines 13-18 which disclose that either default

formatting or user's personally selected representative formatting may be used for the

customized composite image displayed, thereby disclosing the use of a customized

layout rule for at least one participant node).

However, Van Dok et al. do not specifically disclose calculating a composite

image of said online meeting that is to be seen uniquely at a participant node, wherein a

layout rule for said calculating said composite image can be dynamically changed

during a course of said online meeting.

In the same field of endeavor, Digate et al. disclose the claimed method, including disclosing a layout rule for calculating a composite image (Abstract that discloses a rules-based real-time messaging system that includes a rules engine, which uses a layout rule to control the delivery of messages to users; Figs. 2, 7 and 9 show the relevant details of the disclosed method; paragraph 0040 which discloses that the persistent database 15 (shown in Fig. 2) includes configuration data (interpreted to correspond to layout rules reflecting user preferences and group definitions) related to the delivery of messages to the participants; paragraphs 0062-0063 and 0102 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a layout rule to define a composite image of an online meeting that can be customized for at least one participant node in said online meeting, as taught by Digate et al., in the method of Van Dok et al., so that the composite image of an online meeting can be presented to the participants based on the layout rules customized to each participant's preferences and configuration.

However, Van Dok et al., as modified by Digate et al., do not specifically disclose that a layout rule for calculating the composite image can be dynamically changed during a course of said online meeting.

In the same field of endeavor, Moran et al. disclose the claimed method, wherein a layout rule for calculating the composite image can be dynamically changed during a course of said online meeting (column 2, lines 27-45 which disclose a domain object class that defines attributes, a set of action rules and layouts, the attributes defining the

data associated with the meeting domain object and the underlying attribute values

capable of changes, based on user actions (e.g. via a gesture) performed on an icon

representing an instance of the meeting domain object, or upon the occurrence of a

system event, thereby disclosing that a layout rule for calculating the composite image

can be dynamically changed during a course of said online meeting).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to use a layout rule for calculating the composite

image that can be dynamically changed during a course of an online meeting, as taught

by Moran et al., in the method of Van Dok et al., as modified by Digate et al., so as to

provided added flexibility in presenting the composite image to the online meeting

participants, based on the specific environment of the meeting.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Kamata et al. (US Patent Publication # 5,953,050)** in view of **Digate et al. (US**

Patent Application Publication # 2004/0161090 A1).

Consider **claim 12**, Kamata et al. show and disclose an apparatus comprising at

least one of:

a calculator to calculate a customized composite image to be presented to a participant

node in an online meeting, said calculator receiving a plurality of feeds related to said

online meeting and calculating said customized composite image in accordance with a

layout rule set that defines a composite image to specifically be presented to said

participant node (Abstract that discloses a video conferencing system that generates a

composite image of the conference participants and displays the image on the receiving

terminals, customized to each participant's specification (layout based rules); Figs. 3

and 7 that show different components of the system for image reduction, composite

image creation, and image display units, etc.; column 1, lines 56-65 disclose multiple

CODECs being used to calculate sizes for different image components of the composite

image; Fig. 8 that shows a sample composite image for a select participant's

specifications; column 1, lines 21-35 disclose an example of customization of the

composite image based on participant # 6 being the speaker; column 2, lines 31-41

disclose some additional rules used during creation of the composite image).

However, Kamata et al. do not specifically disclose a graphical user interface to

allow a participant node in an online meeting to provide a layout rule set for a

customized composite image of said online meeting that is to be seen at said participant

node; a receiver to receive a layout rule set that defines a customized composite image

to be presented to a participant node in an online meeting, and that the composite

image is calculated in accordance with a layout rule.

In the same field of endeavor, Digate et al. disclose the claimed apparatus,

including a graphical user interface to allow a participant node in an online meeting to

provide a layout rule set for a customized composite image of said online meeting that

is to be seen at said participant node (Fig. 4 that shows different steps in setting up a

user's (participant node) request for a real time (online) meeting, including various

criteria (comprising a layout rule) for selecting group participants that affect the

customized composite image to be presented to the requesting user; paragraphs 0045-

0052 describe the process in more details, including using a graphical user interface for

communicating participants inputs to the system);

a receiver to receive a layout rule set that defines a customized composite image to be

presented to a participant node in an online meeting, and disclosing a layout rule for

calculating a composite image (Abstract that discloses a rules-based real-time

messaging system that includes a rules engine, which uses a layout rule to control the

delivery of messages to users; Figs. 2, 7 and 9 show the relevant details of the

disclosed method; paragraph 0040 which discloses that the persistent database 15

(shown in Fig. 2) includes configuration data (interpreted to correspond to layout rules

reflecting user preferences and group definitions) related to the delivery of messages to

the participants; paragraphs 0062-0063 and 0102 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to include a graphical user interface to allow a

participant node in an online meeting to provide a layout rule set for a customized

composite image of said online meeting that is to be seen at said participant node; a

receiver to receive a layout rule set that defines a customized composite image to be

presented to a participant node in an online meeting, and disclosing a layout rule for

calculating a composite image, as taught by Digate et al., in the apparatus of Kamata et

al., so that the composite image of an online meeting can be presented to the

participants based on the layout rules customized to each participant's preferences and

configuration.

Consider **claim 13**, Kamata et al. show and disclose a system comprising:

a first participant node (Fig. 1, that shows a number of Video Conferencing Terminals 1;

column 1, lines 21-27 which disclose the same details);

at least one of a second participant node and a data feed node (Fig. 1, that shows a

number of Video Conferencing Terminals 1; column 1, lines 21-27 which disclose the

same details; column 2, lines 38-41 which disclose that each terminal is allowed to

select an image from a terminal other than the speaking end, thereby disclosing a data

feed node); and

a network interconnecting said first participant node to said at least one of a second

participant node and a data feed, said network thereby providing an online meeting

including said first participant node (Fig. 1, ISDN Network 2 that interconnects the

terminals, including a second participant node and a data feed, with Multi-Location

Video Conferencing Control Unit (MCU) 3 and Multi-Image Combiner 4; Abstract which

discloses that the system provides support for an online meeting for the terminals

participating in the meeting),

wherein said first participant node receives a customized composite image of said

online meeting to be presented specifically to said first participant node (Abstract and

column 1, lines 21-27 which further disclose that the system allows each participant to

watch other participants he or she wants to watch in a desired array of a composite

image (example shown in Fig. 2A); Fig. 3 shows a multiplicity of CODECs and other

computational hardware to form the composite image displayed on the participants'
terminals).

However, Kamata et al. do not specifically disclose that the composite image is
calculated in accordance with a layout rule.

In the same field of endeavor, Digate et al. disclose the claimed system,
including disclosing a layout rule for calculating a composite image (Abstract that
discloses a rules-based real-time messaging system that includes a rules engine, which
uses a layout rule to control the delivery of messages to users; Figs. 2, 7 and 9 show
the relevant details of the disclosed method; paragraph 0040 which discloses that the
persistent database 15 (shown in Fig. 2) includes configuration data (interpreted to
correspond to layout rules reflecting user preferences and group definitions) related to
the delivery of messages to the participants; paragraphs 0062-0063 and 0102 disclose
the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at
the time the invention was made to use a layout rule to define a composite image of an
online meeting that can be customized for at least one participant node in said online
meeting, as taught by Digate et al., in the system of Kamata et al., so that the composite
image of an online meeting can be presented to the participants based on the layout
rules customized to each participant's preferences and configuration.

Response to Arguments

Applicant's arguments filed 03/27/2008 have been fully considered but they are

not persuasive. The examiner's response to the arguments for each claim rejection is

provided below:

Consider 35 USC 101 rejection of **claim 15,** which is directed to a program of

machine-readable instructions executable by a digital processing apparatus to perform

the methods of claims 1 and 11. Claim 15 includes a medium that carries these

instructions on electromagnetic waves for transmission. The electromagnetic waves as

a transmission medium are certainly a form of radiant energy, not a process, as alleged,

and, therefore, non-statutory subject matter. The applicants have not demonstrated

how to <u>tangibly embody</u> machine-readable instructions in a wireless or electromagnetic

transmission medium. As such, the 35 USC 101 rejection of claim 15 is not withdrawn.

Consider **claim 14,** rejected (102-b) over Kamata et al. (US patent publication

5,953,050). The applicants argue that the cited Kamata reference does not teach the

amended claim 14 feature "… wherein at least one of a size and a layout of subpanes of

the composite image are controlled by user-specified rules". In the final rejection of

claim 14 in this office action, the examiner has cited specific Figs. and columns in

Kamata reference that clearly show and disclose the amended feature. Furthermore,

the examiner does not agree with the applicants' assertion that the Kamata reference

provides only two sizes and a predefined array of positions. As shown above in the

rejection for claim 14, the cited reference provides pixel by pixel user control over the

layout of the subpanes. Therefore, the examiner has deemed claim 14 to be not

patentable.

Consider **claims 12 and 13**. The applicants offer no specific argument other

than the argument that the secondary reference Digate et al. (US Patent Application

Publication 2004/0161090 A1) has nothing to do with the layout rules. The disclosure of

a layout instruction from a user was specifically mentioned in the rejection of claim 15

using Kamata et al. reference in this office action. The Digate et al. reference

specifically uses the term "rules" instead of "instruction" used in the Kamata et al.

reference. Since claims 12 and 13 use Kamata et al. reference in combination with

Digate et al. reference for 103(a) rejections, the argument that Digate et al. do not teach

layout rules, does not make the claims allowable.

Claims 1, 2 and 15 are rejected based on Van Dok et al. (US Patent Application

Publication 2004/0162877 A1). The applicants argue that the term "composite" is

defined differently in Van Dok from the meaning in the present application; further

arguing that "No facility is given for specifying how to display feeds in separate

subpanes". The examiner's response to these arguments is that the cited references in

combination disclose all the elements of these claims as described in the rejections for

these claims in this office action above. How the specification defines "composite" does

not make these claims allowable. The applicants further argue that in the Digate et al.

secondary reference used for claim 2 rejection, there is no description whatsoever

regarding layout. The examiner's response to this argument is that the primary Van

Dok reference does disclose layout rules (Fig. 2B for user Bryan – After) that shows use

of "indented and italicized" response from one of the participants. Digate et al. is used

specifically for disclosing the Boolean combination of conditions for a rule as specified in

claim 2.

Consider rejection of **claims 3-7, 9 and 10** based on the cited references of Van

Dok et al., Digate et al. and Kamata et al. The applicants argue that Kamata teaches

only that its users are able to "select" particular predefined pane sizes and positions;

they are not able to specify these sizes and positions – via rules – by themselves;

further arguing that Kamata only provides two sizes and a predefined array of positions;

a user cannot specify their own preferences via rules. The examiner begs to differ. As

already responded to in the rejection for the amended claim 14, Kamata et al. allows

pixel by pixel control by the user instructions for how to layout the images and specify

their sizes in different subpanes. Although not termed as rules, the layout instructions

perform the same functions that the rules do in the applicants' claims. Therefore, claims

3-7, 9 and 10 are not considered allowable in their present form.

Consider **claim 4**, the applicants further argue that the cited object 604 in Fig. 6a

of Van Dok reference is an input field, not a display window showing a feed from one or

more remote users. The examiner's response to the argument is that the cited object is

not only an input field but also a display pane showing the text of a user's message.

Also, the claim does not specify that the cited object may show a feed from one or more

remote users. Furthermore, the applicants erroneously argue that the rules of Van Dok

et al. concern delivery, not display layout. As stated above in the response to

arguments section, Van Dok et al. not only disclose delivery, but also display layout

(Fig. 2B for user Bryan – After, that shows use of "indented and italicized" response

from one of the participants). In addition, the Kamata reference also discloses size

control for displayed subpanes.

Regarding **claim 7**, the applicants further argue that the information shown in

Fig. 4 of Kamata et al. makes no suggestion of a calculation of layout rules. The

examiner respectfully disagrees. Although the cited Fig. 4 does not show any

calculations being carried out, the corresponding cited column and lines do indeed

require calculations in order to determine which of the three terminals A, B and C is

currently acting as a speaker; the MTU 3 in Fig. 4 compares the voice level at each

terminal with the others and the one with the maximum voice level is then designated as

the speaker's terminal. This determination and comparison does involve calculations

for the layout of images, because the speaker is displayed in a larger subpane than the

participants' subpanes.

Consider **claim 8**. The applicants argue that the Digate et al. reference makes

no suggestion of a periodic checking of layout rules. The examiner's response is that

the cited Fig. was Fig. 9 not Fig. 4 as listed in the remarks; furthermore, the cited

paragraph 0062 discloses monitoring of events to determine when a user goes online or

off-line, thereby indicating periodic checking of the rules.

For **claim 9**, the applicants further argue that the cited text from Van Dok et al.

does not cover the case where the text or video feed is used as a parameter. Since the

claim text specifies that the "data feed includes at least one of" the audio activity or

video activity, only the audio activity was disclosed.

The argument for **claim 11** is based on the argument for claim 1, which has

already been responded to, therefore, needs no additional response.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed**

to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

Art Unit: 2143

> **Hand-delivered responses** should be brought to

> Customer Service Window
> Randolph Building
> 401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-

1768. The Examiner can normally be reached on Monday-Thursday from 6:30 am to

5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for

the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist/customer service whose telephone

number is (571) 272-0800.

Kishin G. Belani

K.G.B./kgb

June 25, 2008

/Ashok B. Patel/
Primary Examiner, Art Unit 2154